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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,931	05/04/2001	Robert J. Feilbogen	10251-037	7100

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Proskauer Rose LLP
Patent Department
1585 Broadway
New York, NY 10036

11/21/2007

EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/848,931

Applicant(s)

FEILBOGEN ET AL.

Examiner

Nga B. Nguyen

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 44-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 44-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on August 24, 2007, which paper has been placed of record in the file.
2. Claims 44-57 are elected for consideration.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 44-57 have been considered but are not persuasive.

In response to the applicant's argument regarding the rejection over Ferstenberg for the non-elected claims 1-43, examiner submits that because the applicant submitted the Election on August 10, 2006 without traverse and did not elect the claims, examiner does not consider the non-elected claims 1-43.

In response to applicant's arguments regarding claims 44 and 52 that neither Wilson nor Symonds, either alone or in combination, teach "at least two of the plurality of electronic portals are adapted to use one of multiple different standardized portal-specific data formats", examiner submits that the limitation "at least two of the plurality of electronic portals are adapted to use one of multiple different standardized portal-specific data formats" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See In re

Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Moreover, Symonds discloses "at least two of the plurality of electronic portals are adapted to use one of multiple different standardized portal-specific data formats" (column 39, lines 10-20, the database includes data representative of: each of the plurality of external devices and an associated external formation used to send messages to or to receive messages from each respective external device).

In response to applicant's arguments regarding claim 44 that neither Wilson nor Symonds, either alone or in combination, teach "a central transit point that links the gateways to the price provider and through which the normalized data is transmitted", examiner submits that Wilson discloses in column 4, lines 50-60, the system of Wilson transmits CMS protocol format and STAMP protocol format to the price providers NYSE 16 and TSE 20, it is obvious that CMS protocol format is a normalized format is used in NYSE and STAMP protocol format is a normalized format is used in TSE. Therefore, Wilson does teach transmitting normalized data formats to the price provider.

In response to applicant's arguments regarding to claim 52, against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument regarding to claims 44 and 52, examiner submits that the test for obviousness is not whether the features of a secondary

reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, Wilson does not disclose a plurality of gateways. However, Symonds disclose the use of plurality of gateways (figure 1 and column 6, lines 30-42, message gateway router or MGR 24, 25, operate to take incoming messages and to convert them into a common internal message format and also convert internal messages to external message formats needed to communicate with the various external authorization systems 18 and terminal devices 12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wilson's to adopt the teaching of Symonds above, for the purpose of providing more efficiency in messages communication between customers and the price providers, also preventing the data overload because using a plurality of gateways in converting messages, instead of only one gateway.

In conclusion, for the reason set forth above, examiner decides to maintain the previous rejection and make this Office action FINAL.

4. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 44-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson, U.S. Patent No. 5,864,827, in view of Symonds et al (hereinafter Symonds), U.S. Patent No. 6,039,245.

Regarding to claim 44, Wilson discloses a system for electronically exchanging data related to financial transactions between a plurality of price providers which provides price quotes for trading financial instruments and executes trades and a plurality of customers of the price provider through a plurality of electronic portals, wherein at least two of the plurality of electronic portals are adapted to use one of multiple different standardized portal-specific data formats, and wherein a particular

customer may use any of the plurality of electronic portals to which the customer has access to communicate with the price provider, the system comprising:

a gateway being linked to a corresponding one of the plurality of electronic portals, wherein the gateway translates data received from any of the plurality of electronic portals from a respective first standardized portal-specific format to a second standardized format, and for translating data received in the second standardized format from the price provider to the respective first standardized portal-specific format of the particular portal of the plurality of electronic portals to which the data is routed (figure 1; column 4, lines 30-50; column 7, lines 1-30, the gateway 1 translates the first transaction from FIX protocol into CMS protocol; the gateway 1 also translates the acknowledgment from the exchange's protocol (e.g. CMS protocol) into FIX protocol); and

a central transit point that links the gateways to the price provider and through which the normalized data is transmitted to the price provider (figure 1, column 6, lines 55-65, network connection uses the TCP/IP protocol).

Wilson does not disclose a plurality of gateways. However, Symonds disclose the use of plurality of gateways (figure 1 and column 6, lines 30-42, message gateway router or MGR 24, 25, operate to take incoming messages and to convert them into a common internal message format and also convert internal messages to external message formats needed to communicate with the various external authorization systems 18 and terminal devices 12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wilson's to adopt

the teaching of Symonds above, for the purpose of providing more efficiency in messages communication between customers and the price providers, also preventing the data overload because using a plurality of gateways in converting messages, instead of only one gateway.

Regarding to claim 45, Wilson further discloses wherein the data that is exchanged between the price provider and the customers comprises at least one of a customer request for a price quote for a trade, a price quote provided by the price provider, a message relating to negotiation of a price for a trade between the customer and the price provider, an instruction to complete the trade, a trade detail data, or free-format text-based conversation (column 6, lines 30-50).

Regarding to claims 46-48, Wilson does not disclose a display at the price provider for displaying substantially simultaneously the data exchanged with at least two of the electronic portals; wherein the display comprises a graphical user interface for displaying data from the at least two electronic portals substantially simultaneously in separate windows on the display, at least two of the windows having a substantially identical user interface; wherein each of the plurality of electronic portals utilizes a respective portal-specific graphical user interface, wherein the system displays the data from the at least two electronic portals substantially simultaneously in separate windows on the display using the respective graphical user portal-specific interfaces, and wherein the system further comprises a set of uniform commands for interacting with the at least two electronic portals despite the different graphical user interfaces. However, such features are well known in the art. Therefore, it would have been obvious to one with

ordinary skill in the art at the time the invention was made to modify Wilson's to adopt the well-known features above, for the purpose of for the purpose of providing more efficiency and easier to track the data exchanged of different electronic portals.

Regarding to claim 49, Wilson further discloses an application program interface for presenting data in a normalized format to an internal computer system of the price provider (figure 1, NYSE or NASDAQ exchange).

Regarding to claim 50, Wilson further discloses wherein the internal computer system comprises an automated pricing engine that automatically generates a price quote in response to a request (figure 1, NYSE or NASDAQ exchange).

Regarding to claim 51, Wilson does not disclose an application program interface for presenting data in a normalized format to an internal computer system of a credit intermediary that extends credit to a customer. However, Symonds discloses an application program interface for presenting data in a normalized format to an internal computer system of a credit intermediary that extends credit to a customer (column 6, lines 10-20, external authorization systems 18). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wilson's to adopt the teaching of Symonds above, for the purpose of providing more efficiency in messages communication between customers and the credit intermediary.

Regarding to claims 52-53, Wilson discloses a system for electronically exchanging data related to financial transactions between a plurality of price providers which provide price quotes for trading financial instruments and execute trades and a plurality of customers of the plurality of price providers through a plurality of electronic

portals, wherein at least two of the plurality of electronic portals are adapted to use multiple different standardized portal-specific data formats, and wherein a particular customer may use any of the plurality of electronic portals to which the customer has access to communicate with the plurality of price providers, the system comprising:

a first gateway located at a first price provider, the first gateway adapted to communicate with each of the plurality of electronic portals using the standardized portal-specific format of each respective electronic portal of the plurality of electronic portals, wherein the first gateway translates data received in the standardized portal-specific format of each respective electronic portal to a standardized format of the first price provider and translates data received in the standardized format of the first price provider to the standardized portal-specific format of each respective electronic portal to which the data from the first price provider is routed (figure 1; column 4, lines 30-50; column 7, lines 1-30, the gateway 1 translates the first transaction from FIX protocol into CMS protocol; the gateway 1 also translates the acknowledgment from the exchange's protocol (e.g. CMS protocol) into FIX protocol).

Wilson does not disclose a second gateway located at a second price provider, the second gateway adapted to communicate with each of the plurality of electronic portals using the standardized portal-specific format of each respective electronic portal of the plurality of electronic portals, wherein the second gateway translates data received in the standardized portal-specific format of each respective electronic portal to a standardized format of the second price provider and translates data received in the standardized format of the second price provider to the standardized portal-specific

format of each respective electronic portal to which the data from the second price provider is routed and a third gateway located at a credit intermediary, the third gateway adapted to communicate with each of the plurality of electronic portals using the standardized portal-specific format of each respective electronic portal of the plurality of electronic portals, wherein the third gateway translates data received in the standardized portal-specific format of each respective electronic portal to a standardized format of the credit intermediary and translates data received in the standardized format of the credit intermediary to the standardized portal-specific format of each respective electronic portal to which the data from the credit intermediary is routed. However, Symonds disclose the use of plurality of gateways (figure 1 and column 6, lines 30-42, message gateway router or MGR 24, 25, operate to take incoming messages and to convert them into a common internal message format and also convert internal messages to external message formats needed to communicate with the various external authorization systems 18 and terminal devices 12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wilson's to adopt the teaching of Symonds above, for the purpose of providing more efficiency in messages communication between customers and the price providers, also preventing the data overload because using a plurality of gateways in converting messages, instead of only one gateway.

Regarding to claims 54-57, Symonds further discloses wherein the third gateway is adapted to transmit data received from the first price provider, the second price provider, or both to the credit Intermediary, the third gateway translates data received in

the standardized format of the first price provider or data received in the standardized format of the second price provider to the standardized format of the credit intermediary, the third gateway is adapted to transmit data received from the credit intermediary to the first price provider, the second price provider or both, the third gateway translates data received in the standardized format of the credit intermediary into the respective standardized format of the price provider to which the data is routed (figure 1 and column 6, lines 30-42, message gateway router or MGR 24, 25, operate to take incoming messages and to convert them into a common internal message format and also convert internal messages to external message formats needed to communicate with the various external authorization systems 18 and terminal devices 12). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Wilson's to adopt the teaching of Symonds above, for the purpose of providing more efficiency in messages communication between customers and the credit intermediary.

Conclusion

7. Claims **44-57** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kambiz Abdi, can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).



NGA NGUYEN
PRIMARY EXAMINER

November 7, 2007